

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00225 DAE
	)	
Plaintiff,	)	DECLARATION OF COUNSEL
	)	
vs.	)	
	)	
DOUGLAS RYCHENER,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF COUNSEL**

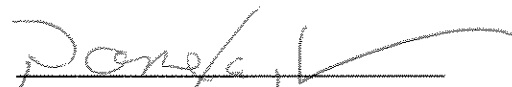
I, PAMELA J. BYRNE, hereby declare as follows:

1. I am counsel for defendant, Douglas Rychener, having been appointed pursuant to the Criminal Justice Act.
2. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.
3. I have reviewed all of the discovery provided by the government in the instant case. In addition, with permission of John Roddy's counsel, I have reviewed the search warrant in Roddy's case as well as the affidavit in support of the warrant. An investigator from our office spent two days interviewing people in the Naalehu area concerning the facts of this case in particular, as well as the facts of the early morning simultaneous execution of four search warrants on April 23, 2003. He has also spoken with Rychener family members and friends.

4. Based upon the information I and my investigator have gathered from all sources, I am informed and believe that the informant in the instant case, and the informant in all of the April 23, 2003, cases, Gerald Fontes, is himself a drug dealer with an extensive conviction record and several recent felony-arrests for drug dealing and an altercation concerning drugs and a taser. In addition, I am informed and believe that the informant has a long-standing romantic interest in Mr. Rychener's wife, and thus has motive to lie about Mr. Rychener. I also believe that the informant has a relationship characterized by enmity with Mr. Roddy, and he thus has a motive to lie about Mr. Roddy. I do not know about the informant's relationships with the other neighbors searched on April 23, 2003. Based upon information gathered by my investigator, I believe the two twenty dollar bills the informant allegedly paid to Roddy in exchange for methamphetamine were not found in the Roddy home at the time of the search. Rather one twenty was found in the home of Herilynn Cajugal, and the other was found in the home of Edward Billman.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, August 8, 2003.

  
PAMELA J. BYRNE  
Attorney for Defendant  
DOUGLAS RYCHENER